

Legal Aid forced to raise rates

Hoped-for grants fail to come through for busy firm

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OGDEN -- For most lawyers, full waiting rooms and appointments booked out to mid-July would equate to a lucrative law practice.

But Frank Smith drives a 6-year-old car with 140,000 miles on it, and paying his senior paralegal minimum wage the last few months has put him in the red. Hoped-for federal grants haven't come through, so he's had to raise his rates.

As of last week he charges \$50 an hour minimum instead of \$25 for the services of his yearling Northern Utah Legal Aid Foundation.

That's in a lawyer's market where fees range in the \$150 to \$250 an hour range in the Ogden area, and up to \$400 an hour in the Salt Lake area.

Smith's one-lawyer foundation basically helps the folks who have too much money to qualify for the federally funded Utah Legal Services, but not enough money to afford a lawyer.

Public interest law

"It's public interest law," Smith said. "I wouldn't be doing it if I didn't enjoy it. You can take a case just on its merits.

"It's very personally satisfying to do good legal work without having to worry about getting paid.

"That's a luxury lawyers don't usually have."

Smith headed the Ogden office of Utah Legal Services for nine years, leaving about a year ago over a dispute with management in Salt Lake. The departure left him free to open his own discount law shop at 2485 Grant Ave.

His "work in progress," as he calls it, mirrors the no-fee legal services guidelines. He uses the same federal poverty guidelines to determine his hourly rate, which tops out at \$87.50.

A big part of Smith's clientele comes from referrals from his old job. His client base is all referrals, since he doesn't advertise.

If he did advertise, his volunteer, 45-hours-a-week office manager Jody Smith, no relation, says she might kill him.

"Swimming upstream"

"We're swimming upstream big time here," she said. The office opens at 9 a.m., and rarely closes before 6 p.m., with 7:30 the norm, and 9 p.m. not unusual.

"We close when we get to close," she said. "And then he (Frank) will come in on Saturdays and Sundays to catch up on paperwork. My husband Bob is totally supportive, or I couldn't do this."

Pro bono help needed

With the \$80,000 in grant funds he was trying for, Smith had thought of hiring a lawyer, and paying Jody. Frank Smith won't say it, but Jody will mention her disappointment at how few lawyers volunteer to help the foundation by taking some cases pro bono, without fee.

"We get a lot of that," she said, noting that so far only Lavar "Bud" Stark is pitching in.

"I have not asked other attorneys to handle cases, so I haven't been turned down," Frank Smith said. "So I can't say I'm disappointed.

Not yet. He's planning to take a formal proposal to one of the monthly meetings of the Weber County Bar Association this summer. He'll be asking all the lawyers who refer penniless clients to him, to set up a fee schedule like his, so he can refer his overflow to them.

One of the most recent local lawyers to "pledge" as Jody Smith calls it, is Kent Snider.

"He's fabulous," Snider says of Frank Smith. "He's too modest. There's a huge need he's trying to fill."

It's endemic to the entire profession, Snider said: "Basically if you're rich, you can hire lawyers, and if you're poor, you can have one appointed.

"Anything in between, you're screwed. Basically the general public can't afford appropriate legal services."

Family law a priority

The biggest part of the foundation's work is family law: divorce, custody, child support, etc.

In the midst of his custody fight, Chris Barboza, Ogden, heard about Smith from the friend of a friend two months ago.

"If someone trusts their children with an attorney, I've got to get that attorney," he said.

He'd used up \$900 on his prior attorney, a lot of it blown on four failed attempts to get his ex-wife served with adoption papers. She died before that could happen while hospitalized with a chronic ailment.

"I couldn't get anything done with the other lawyer without more money.

"It was kind of a little miracle that I got hold of Frank," Barboza said. "He didn't sit there rubbing his head wondering what to do like these other lawyers. He just said. 'It looks like a tough fight. Let's get it on,' and went right to work."

Praise for Smith

An Ogden man, who has been in a custody fight with his ex-wife for more than two years over visitation of a 3-year-old daughter in Sanpete County he hasn't seen since she was 8 months old, also had praise for Smith.

The man's experience had left him bitter about the legal system, since he wasn't able to retain a lawyer.

"A lawyer of any kind would help, otherwise they assume you're a deadbeat," the man said.

Smith was able to hook him up with a pro bono lawyer in Sanpete County, unable to take the case himself, since his range of practice is from Logan to Bountiful.

"He's a good guy. He's trying to help a lot of people, but he's overwhelmed," the Ogden father said. "Frank was referred to me by the guy who was referred to me by another guy."

"You wonder what you're going to be when you grow up," lawyer Smith said. "Hopefully along the way you find something you enjoy. This type of law suits me."

"I don't know why. Who knows. I just get personal satisfaction out of this."